

## HOUSE JOINT RESOLUTION NO. 34

INTRODUCED BY D. MCALPIN

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING THAT AN INTERIM COMMITTEE STUDY ISSUES RELATING TO TRANSPORTATION OF MENTALLY ILL PEOPLE DURING THE CIVIL COMMITMENT PROCESS.

WHEREAS, individuals with mental illness who must be transported for civil commitment proceedings are currently restrained in handcuffs and often shackled; and

WHEREAS, more humane and dignified means of transportation may be available; and

WHEREAS, local law enforcement agencies are responsible for transporting individuals for civil commitment proceedings and this transportation often includes trips to and from the Montana State Hospital in Warm Springs; and

WHEREAS, the requirement that law enforcement transport individuals results in both monetary and staffing costs to local agencies, because transports can reduce the number of officers available to deal with local law enforcement needs.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to study ways in which to transport mentally ill individuals involved in civil commitment proceedings in a manner that is more humane and dignified and that could result in savings to local law enforcement agencies.

BE IT FURTHER RESOLVED, that the study:

(1) identify the number of individuals transported by law enforcement in each county for civil commitment proceedings, including whether the transport was to the Montana State Hospital or to local or regional secure treatment facilities;

(2) identify, to the extent possible, the cost to local law enforcement agencies of conducting the transports, both in terms of money and of staff time;

(3) review and analyze existing studies or information on the use of soft restraints for transportation as

1 compared with the use of handcuffs and shackles;

2 (4) determine whether a state program could be established to transport mentally ill individuals in a more  
3 humane and dignified manner and whether a state program could reduce the costs to local law enforcement  
4 agencies.

5 BE IT FURTHER RESOLVED, that the study engage the public and relevant stakeholders, including but  
6 not limited to law enforcement, consumers, advisory groups and other advocates for the mentally ill, and the  
7 Department of Public Health and Human Services.

8 BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review  
9 requirements, be completed prior to September 15, 2010.

10 BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions,  
11 comments, or recommendations of the appropriate committee, be reported to the 62nd Legislature.

12 - END -